

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed September 23, 2004. Applicants appreciate the Examiner's consideration of the Application. Claims 54-114 and 116-119 are withdrawn, Claims 21, 23, 41, and 43 are canceled, and Claims 1-20, 22, 24-40, 42, 44-53, and 115 are pending. Claims 1, 4, 22, 24-25, 33, 42, 44-45, 52-53, and 115 have been amended to clarify, more particularly point out, and more distinctly claim inventive concepts previously present in these claims. Certain amendments do not narrow the scope of the claims or are not required for patentability. Applicants respectfully submit that no new matter has been added by the amendments to the claims. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

**Information Disclosure Statement**

An Information Disclosure Statement (IDS) and accompanying PTO-1449 form were submitted on August 31, 2004. The Examiner has not provided an indication that the submitted references were considered by the Examiner. For the Examiner's convenience, Applicants have enclosed copies of the previously submitted IDS and PTO-1449 form. Additionally, Applicants have included a copy of the date-stamped postcard indicating the submission of the IDS on August 31, 2004. Applicants respectfully request that the Examiner consider the cited references, if not already considered, and provide the appropriate indication that they have been considered by initialing next to the references on the PTO-1449 form.

**Restriction Requirement**

Applicants elect to prosecute Claims 1-53 and 115 of Group I, and withdraw Claims 54-114 and 116-119 of Group II.

Applicants respectfully traverse the groupings of claims among Groups II(a) through II(f). As a first example, the claims of Groups II(a) and II(d) recite substantially similar limitations such that search and examination of the application may be made without serious burden on the Examiner. As a second example, the claims of Groups II(b) and II(e) recite substantially similar limitations such that search and examination of the application may be

made without serious burden on the Examiner. As a third example, the claims of Groups II(c) and II(f) recite substantially similar limitations such that search and examination of the application may be made without serious burden on the Examiner. Other combinations of groups may recite substantially similar limitations such that search and examination of the application may be made without serious burden on the Examiner. “If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” M.P.E.P. § 803. Accordingly, Applicants respectfully request reconsideration of groupings of the claims.

**Objected to Claims**

The Examiner indicated that Claims 3, 5, 6, 22-31, 34, 36, 37, and 42-50 are objected to, but would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, first paragraph, and to include all the limitations of the base claim and any intervening claims. (Office Action, page 6, paragraph 3.)

As discussed below, Claims 3, 5, 6, 22-31, 34, 36, 37, and 42-50 are allowable under 35 U.S.C. § 112, first paragraph. Moreover, Claims 1 and 33 have been amended to include the allowable subject matter of Claims 23 and 43, respectively, and the limitations of intervening claims. Claims 3, 5, 6, 22, 24-31, 34, 36, 37, 42, and 44-50 depend on these amended claims. Accordingly, Applicants respectfully request allowance of Claims 3, 5, 6, 22, 24-31, 34, 36, 37, 42, and 44-50.

**Section 112, First Paragraph, Rejections**

The Examiner rejects Claims 1-33 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse this rejection for the reasons discussed below.

The Examiner argues, “Claim 1 recites ‘compare at least one second record to the first record and determine at least one relationship indicator based on the comparison and at least one of the weights.’ The skilled artisan would know how to determine at least one relationship indicator based on the weight of the tokens but would not know how to make a relationship indicator based on a ‘comparison’ because the manner and process of making a

‘comparison’ with reference to a relationship indicator is not clearly and concisely described in the specification.” (Office Action, page 7, paragraph 7.)

Applicants respectfully submit that support for Claim 1 may be found in the Specification. The Specification provides an example method in the description with reference to FIGURE 11. “An example of a method for determining relationship indicators between a target record and selected records is shown in FIGURE 11, which is described below.” (Specification, page 12, lines 17-19.) The description of FIGURE 11 may be found in the Specification at page 39, line 26 through page 34, line 4. All that is necessary is that one skilled in the art be able to practice the claimed invention, given the level of knowledge and skill in the art. MPEP §2164.08 (citing, *e.g.*, *In re Fisher*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970)).

Accordingly, Claims 1-33 comply with the enablement requirement and are thus allowable under 35 U.S.C. § 112, first paragraph.

### **Section 112, Second Paragraph, Rejections**

The Examiner rejects Claims 4, 18, 19 and 40 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter the Applicants regard as the invention.

#### **Claim 4**

Applicants amend Claim 4 to correct an informality, and thank the Examiner for pointing out the informality. Accordingly, Claim 4 particularly points out and distinctly claims the subject matter the Applicants regard as the invention, and thus is allowable under 35 U.S.C. § 112.

#### **Claims 18 and 40**

The Examiner states, “Claims 18 and 40 recite ‘each first entry comprising one of the tokens, [...] the weight of the token, and a first count of a token.’ The scope of the invention is difficult to determine because it is unclear how a first entry can include a token weight and a token count. For purposes of this examination it will be assumed that the token weight is the same thing as token count.” (Office Action, page 8, paragraph 3.)

Applicants respectfully disagree and traverse the Examiner’s characterization of “token weight” and “token count.” If the claims, read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the

language is as precise as the subject matter permits, the statute (35 USC 112, second paragraph) demands no more. MPEP §2173.05(a) (citing *Shatterproof Glass Corp. v. Libbey Owens Ford Co.*, 758 F.2d 613, 225 USPQ 634 (Fed. Cir. 1985)). According to an example embodiment presented in the Specification, “The system may then determine a ‘weight’ or importance of each token and use the weights to identify relationships between records.” (Specification, page 3, lines 22-23.) According to an example embodiment, “Count value 374 represents the total number of times that a token 248 appears in a set of records 238.” (Specification, page 20, lines 26-27.) Thus, “each first entry comprising one of the tokens, a token representation associated with the token, the weight associated with the token, and a first count value associated with the token, the first count value representing a number of times that the token appears in the plurality of records” particularly points out and distinctly claims the subject matter the Applicants regard as the invention.

The Examiner states, “Claims 18 and 40 recite ‘generate a records table comprising a plurality of second entries, [...] the second count value representing a number of times that the token associated with the second entry appears in the record.’ The scope of the invention is difficult to determine because it is unclear how the records table differed from the token table because both include the same thing, i.e., the count value of the tokens.” (Office Action, page 8, paragraph 4.)

Applicants respectfully disagree and traverse the Examiner’s characterization of “records table” and “token table.” The description of FIGURE 9 presents a flow diagram illustrating an example method for generating a token table. (Specification, page 32, line 27–page 34, line 31.) The description of FIGURE 10 presents a flow diagram illustrating an example method for generating a records table and a records table index. (Specification, page 35, line 1–page 36, line 25.) Thus, “generate a records table comprising a plurality of second entries, each second entry associated with one of the records and comprising one of the token representations and a second count value, the token representation in the second entry associated with one of the tokens contained in the record, the second count value representing a number of times that the token associated with the second entry appears in the record” particularly points out and distinctly claims the subject matter the Applicants regard as the invention.

The Examiner states, “Claims 18 and 40 recite ‘generate a records table index comprising a plurality of third entries, [...] each third entry associated with one of the records

and comprising an identification of at least one second entry associated with the record and a record score associated with the record.’ The scope of the invention is difficult to determine because the function and purpose of the records table index is difficult to determine. It appears that the records table includes third entries which are the same as the second entries of the records table above. For purposes of this examiner it will be assumed that the first entry, the second entry and the third entry are the same and that they are the number of times a token appears in a record.” (Office Action, page 8, paragraph 5–page 9, paragraph 1.)

Applicants respectfully disagree and traverse the Examiner’s characterization of the “first entry,” “second entry,” and “third entry.” The description of FIGURE 10 presents an example entries for a records table index. (Specification, page 35, line 11–page 36, line 25.) Thus, “generate a records table index comprising a plurality of third entries, each third entry associated with one of the records and comprising an identification of at least one second entry associated with the record and a record score associated with the record” particularly points out and distinctly claims the subject matter the Applicants regard as the invention.

Accordingly, Claims 18 and 40 particularly point out and distinctly claim the subject matter the Applicants regard as the invention, and thus 18, 19, and 40 are allowable under 35 U.S.C. § 112.

### **Section 102 Rejection**

The Examiner rejects Claims 1, 4, 7-10, 12-14, 17-20, 33, 35, 38-40, 52, 53, and 115 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 6,081,774 to de Hita et al. (“*de Hita*”). Applicants respectfully traverse this rejection for the reasons discussed below.

Claim 1 has been amended to include the allowable subject matter of Claim 23 and the limitations of any intervening claims. Applicants respectfully request reconsideration and allowance of independent Claim 1.

The dependent claims are allowable based on their dependence on independent Claim 1 and further because they recite numerous additional patentable distinctions over the reference of the rejection. Because Applicants believe they have amply demonstrated the allowability of the independent claim over the reference of the rejection, and to avoid burdening the record, Applicants have not provided detailed remarks concerning these dependent claims. Applicants, however, remain ready to provide such remarks if it becomes

appropriate to do so. Applicants respectfully request reconsideration and allowance of the claims that depend on independent Claim 1.

Independent Claims 33, 52, 53, and 115, as amended, recite allowable subject matter substantially similar to those recited in independent Claim 1. Accordingly, for at least the same reasons, Applicants also respectfully request reconsideration and allowance of independent Claim 33, together with its dependent claims, and independent Claims 52, 53, and 115.

**Section 103(a) Rejection**

The Examiner rejects under 35 U.S.C. § 103(a): Claim 2 as being unpatentable over *de Hita* in light of U.S. Patent No. 5,675,819 to Schutze (“*Schutze*”); Claims 11 and 16 as being unpatentable over *de Hita* in light of U.S. Patent No. 6,553,365 to Summerlin et al (“*Summerlin*”); Claim 15 as being unpatentable over *de Hita* in light of U.S. Patent No. 5,325,091 to Kaplan et al (“*Kaplan*”); Claims 21, 32, 41, and 51 as being unpatentable over *de Hita* in light of U.S. Patent No. 6,167,391 to Lawrence (“*Lawrence*”). Applicants respectfully traverse this rejection for the reasons discussed below.

As discussed above, independent Claims 1 and 33 recite allowable subject matter, and thus are allowable. The dependent claims are allowable based on their dependence on the independent claims and further because they recite numerous additional patentable distinctions over the references of the rejection. Because Applicants believe they have amply demonstrated the allowability of the independent claims over the references of the rejection, and to avoid burdening the record, Applicants have not provided detailed remarks concerning these dependent claims. Applicants, however, remain ready to provide such remarks if it becomes appropriate to do so. Accordingly, Applicants also respectfully request reconsideration and allowance of Claims 2, 11, 15, 16, 32, and 51.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTT S L.L.P.  
Attorneys for Applicants



Keiko Ichiye  
Reg. No. 45,460

KI/ls

**Correspondence Address:**

Baker Botts L.L.P.  
2001 Ross Avenue, Suite 600  
Dallas, Texas 75201-2980  
(214) 953-6494  
Date: 12/21/04

**Customer Number: 05073**